

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NEW YORK**

TONY CACCAVALE, ANTHONY
MANGELLI, and DOUGLAS SORBIE,
individually and on behalf of all others
similarly situated,

Plaintiffs,

-against-

HEWLETT-PACKARD COMPANY A/K/A
HP INC., HEWLETT PACKARD
ENTERPRISE COMPANY, and UNISYS
CORPORATION,

Defendants.

Civil Action No. 20-CV-00974 (GRB)(AKT)

NOTICE OF MOTION TO DISMISS

TO: Steven John Moser, Esq.
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Huntington, NY 11743
Attorneys for Plaintiffs

COUNSEL:

PLEASE TAKE NOTICE, that on a date to be set by the Court, Defendants HP Inc. and Hewlett Packard Enterprise Company, through their counsel, McCarter & English, LLP, and Defendant Unisys Corporation, through its counsel, Epstein Becker & Green, PC, shall move before the United States District Court for the Eastern District of New York, Honorable Gary R. Brown, United States District Judge, at the United States Courthouse, 100 Federal Plaza, Central Islip, NY 11722, pursuant to Fed. R. Civ. P. 12(b)(6), for an order dismissing the First Amended Complaint for failure to state a claim; and

PLEASE TAKE FURTHER NOTICE that in support of this motion, Defendants shall

rely upon the pre-motion letters Defendants previously submitted and the accompanying joint Memorandum of Law on behalf of all defendants; and

PLEASE TAKE FURTHER NOTICE that, pursuant to the Court's scheduling order, any answering papers to this Motion shall be served on Defendants' counsel not later than August 26, 2020, and any reply papers shall be served by Defendants on Plaintiffs' counsel not later than September 2, 2020, and all motion papers are to be filed together on September 2, 2020; and

PLEASE TAKE FURTHER NOTICE that Defendants request oral argument.

PLEASE TAKE FURTHER NOTICE that a proposed form of order is submitted herewith.

Dated: August 5, 2020

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